

立法會

Legislative Council

LC Paper No. CB (2) 100/11-12

Ref: CB2/T/16

Paper for the House Committee meeting on 21 October 2011

Proposed continuation of work of subcommittees on policy issues and activation of the Subcommittee on Health Protection Scheme under the Panel on Health Services

Purpose

This paper invites Members to consider the proposals for continuation of work of four subcommittees on policy issues and activation of the Subcommittee on Health Protection Scheme ("the Subcommittee on HPS") under the Panel on Health Services ("the Panel").

Background

2. Under rule 26(c) of the House Rules, a subcommittee on policy issues should complete work within 12 months of its commencement and report to the House Committee or relevant Panel(s) as appropriate. Should such a subcommittee consider it necessary to work beyond 12 months, it should, after obtaining the endorsement of the relevant Panel(s), report to the House Committee and give justifications for an extension of the period.

Proposed continuation of work of four subcommittees

3. The four subcommittees seeking the endorsement of the House Committee for continuation of their work are -

- (a) the Subcommittee to Study Issues Relating to Mainland-HKSAR Families under the House Committee;
- (b) the Subcommittee on Improving Air Quality under the Panel on Environmental Affairs;

- (c) the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project under the Panel on Home Affairs and the Panel on Development; and
- (d) the Subcommittee on Building Safety and Related Issues under the Panel on Development.

4. The three subcommittees listed in (a) to (c) above were appointed in the 2008-2009 session and had been given endorsement by the House Committee to continue their work in the 2009-2010 and 2010-2011 sessions; while the subcommittee listed in (d) was appointed in February 2010 and had been given endorsement by the House Committee to continue its work in the 2010-2011 session. The four subcommittees have recently reviewed the progress of their work and decided that they should continue their work. The progress of work of these subcommittees and their proposed time frame for continuation of work are detailed in **Appendices I to IV**.

Proposed activation of the Subcommittee on HPS

5. On 6 October 2010, the Government published the Healthcare Reform Second Stage Public Consultation Document entitled "My Health My Choice" in which a government-regulated, voluntary Health Protection Scheme ("HPS"), aiming at enhancing the long-term sustainability of the healthcare system, was proposed for public consultation. The Healthcare Reform Second Stage Public Consultation Report was released on 11 July 2011. According to the Administration, members of the public have expressed support for regulating the private health insurance and healthcare services through introducing HPS to improve market transparency, promote healthy competition, and enhance consumer protection. A three-pronged action plan will be adopted to take forward HPS, which includes establishing a high level Steering Committee on Strategic Review on Healthcare Manpower Planning and Professional Development to conduct a strategic review on healthcare manpower planning and professional development; setting up a Working Group on HPS to formulate detailed proposals on the supervisory and institutional frameworks for HPS; and taking measures to facilitate the development of healthcare services and infrastructure. The Administration's plan is to complete the preparatory work by the first half of 2013, and to proceed to draft and introduce HPS legislation, as appropriate. The implementation of HPS will take place in 2015 the earliest.

6. The Panel held four meetings between December 2010 and August 2011 to discuss the proposed HPS and received views of deputations at two of the meetings. Members are gravely concerned about the impact of HPS on public healthcare services as well as the healthcare manpower for the sustainable development of both public and private health sectors. While considering that the proposed HPS may bring about improvements to the health insurance market and offer more choices of private healthcare services as an alternative to public healthcare services, members have expressed reservations and divergent views on many aspects of HPS such as the benefit coverage of the Standard Plans under HPS, incentives to encourage subscription, use of the \$50 billion fiscal reserve earmarked to support healthcare reform, and the supervisory and institutional frameworks for health insurance and healthcare service markets. To enable more focussed discussion on the detailed proposals and impacts of HPS, the Panel agreed at its meeting on 8 August 2011 to set up a subcommittee to study HPS. The terms of reference, work plan and time frame for completion of work of the Subcommittee are in **Appendix V**.

7. Members of the Panel have noted that as more than eight subcommittees on policy issues are currently in operation, the Subcommittee on HPS has been placed on the waiting list. The Panel has agreed that it will continue to follow up the subject pending the approval of the House Committee for the activation of the Subcommittee on HPS.

Considerations for continuation of work of subcommittees on policy issues and activation of subcommittee on the waiting list

8. Rule 26(a) of the House Rules specifies that the maximum number of subcommittees on policy issues that may be in operation at any one time is eight. Rule 26(b) provides that the House Committee may allow more than eight such subcommittees in operation or continue to operate after having considered the following:

- (a) the number of vacant slots for Bills Committees;
- (b) the number of bills likely to be introduced to the Council in the next three months;
- (c) the number of subcommittees already or likely to be appointed for studying subsidiary legislation or other instruments; and
- (d) the availability of resources in the Secretariat.

Bills Committees

9. At present, 16 Bills Committees are in operation and two Bills Committees are on the waiting list. Having regard to their progress of scrutiny, four existing Bills Committees are expected to complete work before the end of 2011. Based on the 2011-2012 Legislative Programme, eight bills will be introduced into the Council in the current session and on which Bills Committees are expected to be formed. Details of the expected timing for completion of work of existing Bills Committees and formation of anticipated Bills Committees and Bills Committees on the waiting list are in **Appendix VI**.

Subcommittees on subsidiary legislation/other instruments

10. A total of three Subcommittees on subsidiary legislation are currently in operation. Having regard to the deadline for amending the items of subsidiary legislation under scrutiny, two of these Subcommittees will complete their work by end of October 2011. Three items of subsidiary legislation are likely to be introduced in the next three months and on which subcommittees are expected to be formed. Details of the expected timing for completion of work of existing Subcommittees on subsidiary legislation and formation of anticipated Subcommittees are in **Appendix VII**.

Subcommittees on policy issues and other Council business

11. At present, there are two Subcommittees on policy issues and three Subcommittees on other Council business¹ formed under the House Committee, and eight Subcommittees on policy issues formed under Panels currently in operation. One subcommittee, i.e. the Subcommittee on HPS, is on the waiting list. Two Subcommittees on policy issues have obtained approval to continue work until the end of the current term. Four Subcommittees have been working for less than 12 months. Consultation has been conducted with the respective Chairmen of the Subcommittees on policy issues in action on the expected timing for completion of their work. One Subcommittee is expected to complete its work in the next three months. Details of the expected timing for completion of work of the Subcommittees on policy issues in operation and the Subcommittee on the waiting list are in **Appendix VIII**.

¹ The three Subcommittees on other Council business are the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement, the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions and the Subcommittee to Study Issues Relating to the Power of the Legislative Council to Amend Subsidiary Legislation.

12. Taking into account the progress of work of existing Bills Committees, Subcommittees on subsidiary legislation and Subcommittees on policy issues and the number of bills and items of subsidiary legislation likely to be introduced in the next three months, the Secretariat considers that it could continue to provide servicing to the existing Subcommittees on policy issues in action including the four seeking approval for continuation of work in the 2011-2012 session. However, in anticipation of the heavy demand for servicing committees on bills, the Secretariat considers that it is able to provide servicing to the Subcommittee on HPS on the waiting list only after any one of the Subcommittees in operation has completed its work.

Advice sought

13. In accordance with rule 26(c) of the House Rules, Members are invited to endorse the proposed continuation of work of the four subcommittees on policy issues and to consider the proposed timing for activation of the Subcommittee on HPS.

Council Business Division 2
Legislative Council Secretariat
20 October 2011

立法會
Legislative Council

LC Paper No. CB(2)120/11-12

Ref : CB2/HS/2/08

Paper for the House Committee on 21 October 2011

**Continuation of work of the Subcommittee to Study Issues Relating to
Mainland-HKSAR Families in the 2011-2012 session**

Purpose

This paper reports on the progress of work of the Subcommittee to Study Issues Relating to Mainland-HKSAR Families ("the Subcommittee") and invites members to endorse the proposal for the Subcommittee to continue its work in the 2011-2012 session.

Background

2. The Subcommittee was appointed by the House Committee on 2 January 2009 and was tasked to study the population policy and measures relating to Mainland-Hong Kong families, and make recommendations in this regard. The membership list of the Subcommittee is in the **Annex**. According to its terms of reference, the Subcommittee has focused its work on the following areas –

- (a) the existing population policy, in particular immigration policy, in respect of Mainlanders whose family members are Hong Kong residents, and the impact of this policy on Mainland-Hong Kong families;
- (b) the rights of Mainland-Hong Kong families, in particular the immigration and administrative measures for Mainland single parents of Hong Kong-born children to enter and reside in Hong Kong and cross-boundary students of these families to have schooling in Hong Kong;
- (c) the procedures and waiting time in the vetting and approving of applications for One Way Permits ("OWPs") and the administrative arrangements for interim stays in Hong Kong; and

- (d) the rights for the use of public services and facilities, such as public health services, in particular obstetric services, by Mainlanders whose spouses are Hong Kong residents, and the level of charges for using such services and facilities.

Progress of work of the Subcommittee

3. Under the chairmanship of Hon LEE Cheuk-yan, the Subcommittee has since February 2009 held 17 meetings with the Administration and received views of deputations at 11 of these meetings. The Subcommittee has studied the following major issues –

- (a) population policy relating to Mainland-Hong Kong families;
- (b) immigration policies and measures which have impact on families with members from the Mainland;
- (c) arrangements for the use of obstetric services by Mainland women whose spouses are Hong Kong residents;
- (d) the immigration and administrative measures for cross-boundary students to have schooling in Hong Kong; and
- (e) public housing arrangements for households with members holding Two Way Permits ("TWPs").

Immigration arrangements

4. In respect of paragraph 3(b) above, the Subcommittee has drawn up a number of recommendations to refine the OWP and TWP Schemes to facilitate the reunion of Mainland residents with their families in Hong Kong for the Administration's consideration and follow-up. The Administration provided its preliminary response to the Subcommittee on 5 November 2009. According to the Administration, it had conveyed the suggestions of the Subcommittee to the Mainland authorities. As the Administration's exchanges with the Mainland authorities were on-going, it was not in a position to provide a conclusive response to the suggestions of the Subcommittee.

5. At its meeting on 5 November 2009, the Subcommittee noted the announcement by the Central Government of the implementation of a new policy initiative to cater for Mainland adult children of Hong Kong residents to settle in Hong Kong. Members were given to understand that the Administration was actively discussing with the Mainland authorities on the

arrangements and the arrangements had yet to be finalised and announced. It would revert to the Subcommittee and make public announcement on the details as soon as there were more concrete developments.

6. The Subcommittee held a number of meetings to follow up the progress of discussion between the Administration and the Mainland authorities on the arrangements pertinent to Mainland "overage children" of Hong Kong residents applying for OWP for settlement in Hong Kong. Pursuant to the meeting on 29 June 2010, the Chairman wrote to the Secretary for Security ("S for S") and conveyed the Subcommittee's views on the matter. In his reply, S for S assured members that the Government would spare no effort in continuing with the on-going discussions with a view to finalising the arrangements and promulgating such arrangements as soon as possible.

7. The Administration subsequently advised the Subcommittee at its meeting on 15 January 2011 that the Central Government agreed that with effect from 1 April 2011, Mainland "overage children" of Hong Kong residents might apply for OWP to come to Hong Kong for reunion with their natural parents. According to the relevant application details released by the Exit and Entry Administration Offices of the Public Security Bureau, starting from 1 April 2011, a phased submission of applications by "overage children" would be scheduled chronologically in accordance with the order in which their natural fathers or mothers obtained their Hong Kong identity cards. The first phase would be applicable to those applicants whose parents obtained their first Hong Kong identity cards on or before 31 December 1979. The Subcommittee noted that as at end of May 2011, about 170 "overage children" were issued with OWPs to enter Hong Kong.

8. While welcoming the promulgation of the application details, members were concerned about the processing time for OWP application and the timetable for phased submission of applications from other eligible Mainland "overage children". According to the Administration, the Mainland authorities would promulgate separately the relevant details. The Immigration Department had established communication mechanism with the Mainland authorities to exchange views on application and related matters from time to time.

Use of obstetric services

9. The Subcommittee examined the arrangements for the use of obstetric services by Mainland women whose spouses were Hong Kong residents at five meetings. Members generally held the view that children born to Mainland mothers and fathered by Hong Kong residents were members of Hong Kong families. These Mainland women should therefore be entitled to use subsidised obstetric services.

10. At its meeting on 28 July 2009, the Subcommittee passed a motion urging the Administration to assess the impact of the policy on obstetric services if Mainland spouses of Hong Kong residents were given parity of treatment with local women in using such services, and to submit an assessment report to the Subcommittee to facilitate its follow-up discussion. The Administration provided members with further updates on the obstetric service arrangements for non-eligible persons in public hospitals at the Subcommittee meetings on 19 January and 13 July 2010.

11. The Subcommittee noted the Administration's advice that taking into account the policy objectives of the obstetric service charge arrangements, the read-across implications on other heavily subsidised public services, and the need to ensure rational use of the finite public resources, the Administration considered, on balance, that the existing obstetric service charge arrangements for non-eligible persons remained appropriate. Members were also advised that the Hospital Authority had reviewed the refund arrangement, particularly the amount of refund for cases involving miscarriage, termination of pregnancy or still birth. The revised refund arrangement came into effect upon the gazettal of the notice in mid-July 2010.

12. The Hospital Authority announced on 8 April 2011 that public hospitals would stop accepting booking for obstetric services from non-local women till the end of 2011, with a view to ensuring the provision of adequate services to local women. Members were given to understand from attending deputations at the Subcommittee meeting on 28 April 2011 that some 100 Mainland pregnant women whose spouses were Hong Kong residents were unable to secure bookings for local obstetric services consequent upon the Hospital Authority's decision. Members maintained the view that these Mainland women were entitled to use local obstetric services as they were members of Hong Kong families. Given that the Hospital Authority had reserved places for local women to use emergency obstetric services, members strongly urged the Administration to give priority to Mainland women whose spouses were permanent Hong Kong residents in allocating the unused quota. The Administration advised members that the Food and Health Bureau would collect more information about the operation of obstetric service, and line up further discussion with the public and private sectors with a view to jointly exploring every possible means to tackle the problem.

Review of population policy

13. In the course of deliberations, the Subcommittee has time and again requested the Administration to review the existing population policy and the impact of this policy on local families with members from the Mainland having regard to the increasing number of cross-boundary marriages. Members have

also expressed the view that the Chief Secretary for Administration and relevant Principal Officials should attend meetings of the Subcommittee to discuss issues relating to the policy of obstetric services and its impact on family reunion.

Need for continuation of work in the 2011-2012 session

14. The Subcommittee considers it necessary to hold further meetings to pursue the issues elaborated in paragraphs 4 to 13 above with the Administration. The Subcommittee has agreed at its meeting on 11 October 2011 that it should continue its work in the 2011-2012 session.

15. Approval was previously given by the House Committee at its meeting on 22 October 2010 for the Subcommittee to continue its work in the 2010-2011 session in accordance with House Rule 26(c).

Advice sought

16. Pursuant to Rule 26(c) of the House Rules, members are invited to note the progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue work in the 2011-2012 session.

Council Business Division 2
Legislative Council Secretariat
20 October 2011

Subcommittee to Study Issues Relating to Mainland-HKSAR Families

Membership List

Chairman	Hon LEE Cheuk-yan
Deputy Chairman	Hon LEUNG Yiu-chung
Members	Hon Albert HO Chun-yan Hon Miriam LAU Kin-ye, GBS, JP Hon TAM Yiu-chung, GBS, JP Hon Abraham SHEK Lai-him, SBS, JP (up to 10 October 2011) Hon Audrey EU Yuet-mee, SC, JP Hon WONG Kwok-hing, MH Hon Ronny TONG Ka-wah, SC Prof Hon Patrick LAU Sau-shing, SBS, JP Hon Cyd HO Sau-lan Dr Hon LAM Tai-fai, BBS, JP (from 16 January 2009 to 23 October 2009) Hon CHAN Hak-kan Dr Hon Priscilla LEUNG Mei-fun, JP (up to 20 October 2009) Hon CHEUNG Kwok-che Hon WONG Sing-chi Hon Mrs Regina IP LAU Suk-ye, GBS, JP (up to 3 November 2009) Hon WONG Yuk-man (up to 28 January 2010) (rejoined on 26 May 2010)

(Total : 14 Members)

Clerk	Miss Betty MA
Legal adviser	Mr YICK Wing-kin
Date	20 October 2011

立法會
Legislative Council

LC Paper No. CB(1) 56/11-12

Ref : CB1/PS/3/08

Paper for the House Committee meeting on 21 October 2011

Continuation of work of the Subcommittee on Improving Air Quality

Purpose

This paper reports on the progress of work of the Subcommittee on Improving Air Quality (the Subcommittee) during the 2010-2011 session, and the need for continuation of its work in the 2011-2012 session.

Background

2. The ambient air pollution problem has all along been a public concern. It has a significant bearing on public health and the quality of life, and also on the long-term development of Hong Kong. Multinational enterprises are reluctant to set up their regional headquarters in Hong Kong due to the deteriorating air quality. The problem is compounded by a combination of factors, including high population density, high concentration of vehicles, as well as air pollution in the Pearl River Delta (PRD) Region. On the regional front, the Hong Kong Special Administrative Region Government (HKSARG) and the Guangdong Provincial Government (GPG) have jointly formulated the PRD Regional Air Quality Management Plan (the Management Plan), which aims at achieving specific emission reduction targets by 2010. On the local front, the Administration is reviewing the Air Quality Objectives (AQOs) taking into account the World Health Organization's Air Quality Guidelines. Other measures, including imposing emission caps on power plants, providing financial incentives to encourage early replacement of pre-Euro and Euro I diesel commercial vehicles, banning idling vehicles with running engines, promoting energy conservation and saving, are being undertaken or contemplated.

3. To enable focused discussion on Government's efforts in addressing air pollution, the Panel on Environmental Affairs (the Panel) decided at its meeting on 27 October 2008 to set up a subcommittee to monitor and study policies as well as public concerns on improving air quality. The terms of reference and membership of the Subcommittee are given in **Annexes I** and **II** respectively. At the first meeting of the Panel in the 2010-2011 session on 14 October 2010, it was decided that the Subcommittee should continue its work in the 2010-2011 session.

Progress of work of the Subcommittee

4. In the 2010-2011 legislative session, the Subcommittee has studied a number of issues, including progress of measures to achieve the emission reduction targets under the Management Plan, measures in addressing serious air pollution incidents, and progress of review of Hong Kong's Air Quality Objectives.

Progress of measures to achieve the emission reduction targets under the Pearl River Delta Regional Air Quality Management Plan

5. The Subcommittee has been monitoring the progress of implementation of measures, including those under the Management Plan, to improve air quality and to meet the 2010 emission reduction targets. Noting that the emission level of sulphur dioxide (SO₂) is way behind schedule, members have enquired whether additional measures would be adopted with a view to meeting the 2010 emission reduction target for SO₂ emissions. According to the Administration, power generation is the main source of air pollutant emissions in Hong Kong. To deliver the emission reduction targets, all power plants have been subject to emission caps since 2005 which are progressively tightened during licence renewals. As the two local power companies have retrofitted their coal-fired power generation units with emission reduction facilities in 2010 as planned, it is expected that emissions of SO₂, nitrogen oxide (NO_x) and respiratory suspended particulate (RSP) from the power sector would further drop, and that Hong Kong can fully achieve the 2010 emission reduction targets.

6. As diesel commercial vehicles are the major air pollution emitters, accounting for about 88% and 76% of the total vehicular emission of RSP and NO_x respectively, the Administration has introduced a number of incentive schemes to encourage phasing out of aged commercial vehicles. These include the \$540 million one-off grant scheme to encourage early replacement of Euro II diesel commercial vehicles introduced in July 2010. Noting that only 590 applications (accounting for about 2% of the eligible vehicles) have been approved as at end-November 2010, members have expressed concern about the low take-up rate of the scheme, which in their views may be attributed to the

low grant level as owners will still have to top up the cost of replacing their vehicles with large sums of money. Some members have suggested that the Administration should consider buying back all pre-Euro and Euro I diesel vehicles so that these vehicles could be permanently removed from the roads.

7. The Subcommittee welcomes the Administration's proposed trial to retrofit Euro II and Euro III franchised buses with selective catalytic reduction (SCR) devices to upgrade their emission performance to Euro IV level. Some members have enquired if the trial would help increase the ratio of low-emission franchised buses to facilitate early commissioning of the pilot low-emission zones (LEZ) in busy corridors. According to the Administration, preparatory work for setting up pilot LEZs in busy corridors in Causeway Bay, Central and Mong Kok by 2015 was underway. The Administration is also working with the franchised bus companies to conduct the trial on retrofitting Euro II and Euro III buses with SCR devices, which is expected to commence in around August 2011. A review will be conducted six months after the trial has been launched. Subject to satisfactory trial results, the Administration will discuss with the franchised bus companies details of the SCR retrofit programme.

8. Subcommittee members are concerned about the slow progress made by the Administration in taking forward the air quality improvement measures, and updating AQOs. They have enquired about the reason for the delay. According to the Administration, it is examining the best way to take forward the AQO Review in the light of the feedback from the public consultation. Given that the proposed air quality improvement measures for attaining the new AQOs straddle different policy areas, and that some proposed measures are rather controversial, more time is required for the Administration to develop a comprehensive strategy.

Study on Impact of Loss of Visibility on Mortality Risk: A Report of Regional and Global Importance

9. A research group of the School of Public Health, The University of Hong Kong, has conducted an environmental research on "Daily visibility and mortality: Assessment of health benefits from improved visibility in Hong Kong". Given the relevancy of the research to the work of the Subcommittee, Professor Anthony J HEDLEY has been invited to brief members on the findings of the research. According to the research, visibility in Hong Kong has deteriorated significantly over the past 40 years, and the number of days with visibility below eight kilometers has substantially increased from 6.6 days in 1968 to 54.1 days in 2007. The decline in visibility is mainly attributed to particulates (PM₁₀) and nitrogen dioxide (NO₂), which are signatures of traffic emissions. It is found that the higher the pollutant concentrations, the lower the visibility. Analysis has also indicated that every kilometre reduction in

visibility causes 70 additional deaths per year. The majority of the additional avoidable deaths are due to respiratory and cardiovascular disease. To protect the health of the population in Hong Kong, the research has concluded that a cohesive strategy is necessary to ensure consistent and immediate actions to be taken by the relevant Government departments. These include adopting a carrot-and-stick approach in encouraging the replacement of polluting vehicles, and subsidizing the replacement of franchised buses with cleaner models given the substantial fiscal surplus. The Administration should also make exemplary interventions to encourage the Mainland to improve regional air quality.

10. In response to Professor HEDLEY's views, the Administration has advised that it attaches great importance to the impact of air pollution on public health, and that relevant departments would step up concerted efforts in improving air quality. While much effort has been made in reducing roadside emissions, including the use of cleaner fuels and replacement of polluting vehicles, the air quality in Hong Kong is affected by regional emissions. As regards NO₂ emission, the Administration has advised that this is a complex issue as NO₂ emission is affected by ozone (O₃)/VOC emission and sunlight. Notwithstanding, NO₂ emission can be reduced through retrofitting of franchised buses with SCR devices and proper maintenance of vehicles.

Trend of primary nitrogen dioxide emissions from vehicles

11. A research group of the School of Public Health and Primary Care, The Chinese University of Hong Kong, has published a report on "Increasing trend of primary NO₂ exhaust emission fraction in Hong Kong". As the subject is related to the work of the Subcommittee, Professor TIAN Lin-wei has been invited to brief members on the findings of the study. According to the study, roadside concentration of NO₂ is not on the decline despite the successful reduction in the level of roadside NO_x. One underlying cause may be the rising fraction of primary NO₂¹ as a fraction of total NO_x (f-NO₂), which has increased from about 2% in 1998 to 13% in 2008. The two particular periods of rising f-NO₂ coincided with the implementation of the two retrofitting programmes for light-duty vehicles and heavy-duty vehicles. As exposure to NO₂ can give rise to adverse health effects, including aggravation of existing respiratory diseases and reduction in lung function, there is a need to ensure that future vehicle emission control measures should not only target at NO_x but also primary NO₂.

12. Given that the Administration is working with the franchised bus companies to conduct a trial on retrofitting Euro II and Euro III buses with SCR devices, some members have sought Professor TIEN's views on the

¹ NO₂ is either emitted directly by vehicles (i.e. primary NO₂) or formed after the further oxidation of the nitrogen oxide emitted also by vehicles (i.e. via a secondary formation route involving VOC and O₃).

effectiveness of SCR in reducing NO₂ emissions. According to Professor TIEN, SCR is designed to reduce NO_x to meet the Euro emission standards. The inclusion of diesel oxidation catalyst (DOC) in the design of SCR system to reduce RSP emission would have the disadvantage of increasing f-NO₂ because NO₂ is intentionally produced as an oxidant. Since the performance of Euro IV or V vehicles in terms of NO₂ emissions is no better than Euro III, there is no point in retrofitting Euro III vehicles to meet Euro IV standard. Besides, studies conducted in Europe have revealed that SCR devices may not be able to perform well under the urban driving conditions. The right way to control NO₂ is to drastically reduce NO_x to Euro VI level, and the share of NO₂ in total NO_x emissions. Instead of retrofitting Euro II and III vehicles with SCR devices, efforts should be made to expedite replacement of these vehicles with Euro VI models.

13. In response to Professor TIEN's suggestions, the Administration has advised that SCR devices are well proven to be effective in reducing both NO and NO₂. In the design of a SCR system for vehicle applications, it is desirable to have a high ratio of NO₂ in NO_x at the inlet of SCR so as to attain a high reduction efficiency of both NO and NO₂. Placing a DOC ahead of a SCR device can serve the purposes of reducing the harmful diesel particulate emissions and providing a favourable working condition for SCR to function at the same time. As long as the design is in good order, there should be significant reduction in both NO and NO₂ emissions. This also explains why SCRs will continue to be a key emission control technology to help vehicles meeting the much tightened NO_x emission standard of Euro VI. As compared with Euro II buses, Euro III, IV and V buses emitted about 30%, 50% and 70% less NO_x respectively. Retrofitting Euro II buses with SCR devices could upgrade their NO_x emission performance to Euro IV level and Euro III buses to Euro V level. Studies conducted in Belgium have revealed that retrofitting Euro II diesel vehicles with SCR devices is able to reduce both RSP and NO_x emissions. The studies have included testing of vehicle emission performance under urban driving as well as motorway driving conditions. While acknowledging that Euro VI vehicles are better than Euro IV or V vehicles in respect of both NO_x and RSP emissions, the Administration has advised that there has yet to be any country in the world which adopts Euro VI as the statutory vehicle emission standards. Besides, vehicle manufacturers are still making preparations for developing Euro VI diesel vehicles, which will not be commercially available from Japan until 2016 and Europe until 2014 at the earliest.

14. To facilitate better understanding, members have requested the Administration to provide a comparison table showing the improvements in emission performance of Euro II to VI diesel vehicles if these were retrofitted with SCR devices.

Need for continuation of work of the Subcommittee in the 2010-2011 session

15. In view of the many measures and initiatives being contemplated by the Administration in improving air quality, the Subcommittee should continue to serve as a platform for more focused discussion of these measures and initiatives. Hence, the Panel decided at its meeting on 20 July 2011 that the Subcommittee should continue its work in the 2011-2012 session.

16. At the first meeting on 13 October 2011, the Panel endorsed the continuation of work of the Subcommittee in the 2011-2012 session.

Advice sought

17. Pursuant to Rule 26(c) of the House Rules, members are invited to note the progress of work of the Subcommittee, and endorse the proposal for the Subcommittee to continue its work in the 2011-2012 session.

Council Business Division 1
Legislative Council Secretariat
20 October 2011

Panel on Environmental Affairs

Subcommittee on Improving Air Quality

Terms of Reference

To monitor and study policies as well as public concerns on improving air quality.

Panel on Environmental Affairs

Subcommittee on Improving Air Quality

Membership list

Chairman Hon Audrey EU Yuet-mee, SC, JP

Members Hon Miriam LAU Kin-ye, GBS, JP
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon CHAN Kin-por, JP
Hon IP Wai-ming, MH
Hon Tanya CHAN

(Total : 10 Members)

Clerk Miss Becky YU

Legal Adviser Miss Kitty CHENG

Date 1 July 2011

立法會

Legislative Council

LC Paper No. CB(2)123/11-12

Ref : CB2/PS/2/08

Paper for the House Committee meeting on 21 October 2011

Continuation of work of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project

Purpose

This paper reports on the progress of work of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("the Joint Subcommittee") and the need for the Joint Subcommittee to continue its work in the 2011-2012 legislative session.

Background

2. The Joint Subcommittee was appointed by the Panel on Home Affairs and the Panel on Development in December 2008 to monitor issues relating to the implementation of the West Kowloon Cultural District ("WKCD") project, including the work of the West Kowloon Cultural District Authority ("WKCDA"), WKCD's interface with arts and cultural development, and other related matters, focusing on the following areas -

- (a) preparation of the Development Plan ("DP") for WKCD;
- (b) planning and construction of the core arts and cultural facilities and other associated facilities;
- (c) institutional and procedural arrangements for WKCDA, such as the appointment of its Chief Executive Officer ("CEO"), other senior staff and committees, arrangements for

enhancing the transparency of its meetings, and public access to information on its operations;

- (d) financial management and procurement procedures;
- (e) public engagement ("PE") arrangements; and
- (f) development of cultural software which has a direct bearing on the planning or financing of the arts and cultural facilities in WKCD.

Work of the Joint Subcommittee

3. Under the chairmanship of Hon IP Kwok-him, the Joint Subcommittee has since December 2008 held 14 meetings with the Administration and WKCD and received views of deputations at three of these meetings. Major issues studied by the Joint Subcommittee are as follows -

(a) Development of WKCD

- (i) preparation of DP for WKCD, including the planning approach for WKCD, selection of the preferred Conceptual Plan Option and public participation in the process;
- (ii) planning of M+, including the theme of M+, appointment of curatorial professionals, building up of collection items, promotion of public knowledge on M+, and implementation of the interim M+;
- (iii) planning of the core arts and cultural facilities, including their alignment with the existing cultural facilities outside WKCD;
- (iv) WKCD's connectivity with adjoining districts and the community, and the use of public open space and facilities in WKCD; and
- (v) impact of the construction of the West Kowloon Terminus of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link on the development of WKCD, traffic improvement

works in the West Kowloon district, infrastructural works for supporting the arts and cultural facilities in WKCD, and noise and vibration mitigation measures for the facilities in WKCD.

(b) Work of WKCDA

- (i) appointment of members to the WKCDA Board and the six committees of WKCDA;
- (ii) resignation and recruitment of CEO and other senior executives of WKCDA;
- (iii) Stages 1 and 2 PE exercises, including the establishment, function and role of the Consultation Panel of WKCDA and arrangements for and outcomes of the PE exercises; and
- (iv) use of the upfront endowment of \$21.6 billion for WKCDA.

(c) WKCD's interface with arts and cultural development

- (i) measures to promote the development of cultural software to complement the WKCD project, including the funding support for arts development, nurturing of young artists, audience building, promotion of arts education in schools, training and development of arts administrators/stage management professionals, interim programmes and activities before the commissioning of Phase 1 arts and cultural facilities;
- (ii) resource allocation for software development and the timeframe for WKCDA to implement related programmes and activities; and
- (iii) delineation of the responsibility between the Home Affairs Bureau and WKCDA in the development of arts and culture.

Need for continuation of work in the 2011-2012 session

4. Most of the issues highlighted in the preceding paragraph, such as the masterplanning of and financial arrangements for WKCD and development of cultural software, are ongoing issues, the progress of which will have a significant bearing on the implementation and sustainability of the WKCD project. There is a need for the Joint Subcommittee to continue to monitor these issues.

5. In addition, WKCD will soon proceed to a critical phase of development. WKCDA has launched since 30 September 2011 one-month Stage 3 PE exercise to gauge the views of the public and stakeholders on the draft DP, which is expected to be finalized and submitted to the Town Planning Board for consideration by the end of 2011. WKCDA will also launch a wide variety of interim arts and cultural programmes and activities at the WKCD site before the commissioning of Phase 1 arts and cultural facilities. The Joint Subcommittee will need to continue to monitor the development of these matters, which are within the purview of its terms of reference.

6. Having regard to the considerations in paragraphs 4 and 5 above, the Panel on Home Affairs and the Panel on Development agreed at their meetings on 13 October 2011 that the Joint Subcommittee should continue its work in the 2011-2012 session.

Advice sought

7. Pursuant to Rule 26(c) of the House Rules, Members are invited to note the progress of work of the Joint Subcommittee and endorse the proposal for the Joint Subcommittee to continue its work in the 2011-2012 session

Council Business Division 2
Legislative Council Secretariat
20 October 2011

Panel on Home Affairs and Panel on Development

Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project

Membership list

Chairman Hon IP Kwok-him, GBS, JP

Deputy Chairman Hon LEE Wing-tat

Members Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Hon CHAN Hak-kan
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Tanya CHAN
Hon WONG Yuk-man

(Total : 22 members)

Clerk Mr Thomas WONG

Legal Adviser Miss Kitty CHENG

Date As at 20 October 2011

立法會
Legislative Council

LC Paper No. CB(1)132/11-12

Ref : CB1/PS/2/09

Paper for the House Committee meeting on 21 October 2011

**Continuation of work of the
Subcommittee on Building Safety and Related Issues**

Purpose

This paper invites members to note the progress of work of the Subcommittee on Building Safety and Related Issues ("the Subcommittee") and the need for the Subcommittee to continue its work in the 2011-2012 legislative session.

Background

2. Prompted by the incident of the collapse of a building at 45J Ma Tau Wai Road, To Kwa Wan, Kowloon on 29 January 2010 ("the Ma Tau Wai Road Incident"), the Subcommittee was set up by the Panel on Development ("the Panel") in February 2010 to monitor the Administration's work in enhancing building safety in Hong Kong. The Subcommittee commenced work on 25 March 2010 and the membership list is in the **Annex**. Apart from addressing the Ma Tau Wai Road Incident, the Subcommittee has also been tasked to examine the following issues:

- (a) measures taken by the Administration to enhance building safety;
- (b) enforcement against unauthorized building works ("UBWs");
- (c) enforcement to require owners to carry out repair works;

- (d) supervision of building maintenance works;
- (e) upgrading of the construction industry workforce;
- (f) providing support and assistance to owners in carrying out maintenance works;
- (g) promoting the importance of proper and prompt building maintenance works among owners; and
- (h) promoting a building safety culture among building owners, occupants, contractors, workers and the general public.

Work of the Subcommittee

3. From March 2010 to January 2011, the Subcommittee held four meetings with the Administration to discuss the following issues:

- (a) the Ma Tau Wai Road Incident, including the actual cause of the Incident and the immediate follow-up actions;
- (b) inspection of buildings aged 50 or above;
- (c) assistance for the implementation of the Fire Safety (Buildings) Ordinance (Cap. 572);
- (d) enforcement against unauthorized alteration works inside private premises; and
- (e) the Administration's proposed multi-pronged measures to enhance building safety.

4. The Subcommittee discussed in length the Ma Tau Wai Road Incident and urged the Administration to review its inspection and enforcement procedures for building works, step up inspection of old buildings and enhance awareness of owners towards the importance of building safety. Subcommittee members also suggested that the Administration provide information about assistance available for owners to comply with the latest fire safety requirements, and that the Subcommittee should examine issues pertaining to unlawful alterations within individual residential units in private buildings and priority of enforcement against UBWs.

5. The Administration briefed the Subcommittee in April 2010 that in the wake of the Ma Tau Wai Road Incident, it had conducted territory-wide inspection for aged buildings in Hong Kong, which revealed that there were obvious defects in terms of maintenance and repair in the conditions of the buildings. To enhance building safety, the Administration would introduce a multi-pronged package of measures covering four major areas namely, tightening legislation, stepping up enforcement actions against UBWs, enhancing support and assistance to building owners, and strengthening publicity and public education on building safety. The Subcommittee found the comprehensive plan put forth by the Administration in arresting urban decay encouraging, and considered that the Subcommittee had a key role to play in monitoring the Administration's work in implementing the multi-pronged package of measures in enhancing building safety. The Subcommittee also pressed the Administration to release the full investigation report on the Ma Tau Wai Road Incident.

6. In view of the foregoing, the Subcommittee agreed that it should continue its work in the 2010-2011 legislative session. This was supported by the Panel at its meeting on 14 October 2010 and endorsed by the House Committee at its meeting on 25 February 2011.

7. During the 2010-2011 session, the Subcommittee has held two meetings since March 2011 to deliberate the following issues:

- (a) re-organization of the Building Department ("BD") for implementation of the package of measures to enhance building safety;
- (b) consolidation of financial assistance schemes for building maintenance and repair; and
- (c) BD's initial response to the findings of the Coroner's inquest on the Ma Tau Wai Road Incident.

8. On the re-organization of BD to implement the new package of measures for enhancing building safety, while Subcommittee members supported the proposal in general, they expressed concern about the aggravation of conflicts between the Structural Engineer and Building Surveyor grades with the creation of "bi-disciplinary" directorate posts for steering the work of different divisions of the re-organized BD. Subcommittee members were worried that this would adversely affect the work relationship among staff members in the two disciplines in BD in future. As regards the adoption of the "Building Coordinators" approach, Subcommittee members urged BD to step up

efforts in tackling problems associated with UBWs and to strengthen assistance provided to building owners in these aspects. Some members suggested that building coordinators should assist in the establishment of a database of sub-division of flats units and improve services to building owners. The Subcommittee also stressed the need for the Administration to ensure adequate provision of manpower for BD to cope with increasing workload arising from enhanced enforcement actions against UBWs and implementation of the new building safety enhancement initiatives.

9. Following the release in August 2011 of the findings of the Coroner's Inquest that the death of four people in the Ma Tau Wai Road Incident was caused by accident, the Subcommittee held a meeting on 26 August 2011 to discuss with the Administration BD's initial response to the findings. At the meeting, members expressed concern about the efficiency of BD in following up cases of building defects and UBWs on which statutory orders for remedial works had been served. Subcommittee members urged the Administration to resolve the problem of conflicts between officers in the Building Surveyor and Structural Engineer disciplines in BD in carrying out duties relating to building safety. They further called on BD to seriously consider the Coroner's recommendations on strengthening its work to enhance safety of aged buildings. In this regard, members noted that the Administration had planned to conduct a comprehensive assessment of the performance of the officers concerned in handling the reports on the dilapidation of the subject building in the Ma Tau Wai Road Incident, and a comprehensive review on the building safety enforcement procedures and practices for staff to ensure that such guidelines are clear and can cater for the needs of present-day circumstances.

Need for continuation of work in the 2011-2012 legislative session

10. The Subcommittee has noted that a series of building problems happened in May and June 2011 involving incidents of fire in aged buildings and UBWs in multi-storey buildings as well as village houses in the New Territories. The Subcommittee considers that it should discuss with the Administration how these problems would be handled. Subcommittee members consider it necessary to follow up the outstanding issues relating to the Administration's initiatives to enhance the building safety regime.

11. Views from members of the Subcommittee on whether the Subcommittee should continue to work in the 2011-2012 session were sought in July 2011. All of the 12 members of the Subcommittee have agreed to the proposal for the Subcommittee to continue its work in the new session. In the 2011-2012 session, the Subcommittee will focus on the following issues:

- (a) the Administration's follow-up on issues relating to the Ma Tau Wai Road Incident;
- (b) the Administration's new multi-pronged approach in enhancing building safety;
- (c) policy and enforcement against UBWs in multi-storey buildings as well as village houses in the New Territories; and
- (d) control and enforcement on internal alternation works and subdivided flats.

12. At the meeting on 13 October 2011, the Panel agreed that the Subcommittee should continue its work in the new session.

Advice sought

13. Pursuant to Rule 26(c) of the House Rules, members are invited to note the progress of work of the Subcommittee and endorse the proposal for the Subcommittee to continue its work in the 2011-2012 legislative session.

Council Business Division 1
Legislative Council Secretariat
20 October 2011

Panel on Development

Subcommittee on Building Safety and Related Issues

Membership list

Chairman Prof Hon Patrick LAU Sau-shing, SBS, JP

Deputy Chairman Hon KAM Nai-wai, MH

Members Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, GBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon Tanya CHAN

(Total: 13 members)

Clerk Ms Connie SZETO

Legal Adviser Miss Winnie LO

Date 20 October 2011

Subcommittee on Health Protection Scheme

Terms of reference, work plan and time frame

Terms of reference

To study issues relating to the introduction of the Health Protection Scheme ("HPS") as proposed by the Government for the second stage public consultation on healthcare reform and make recommendations where necessary.

Work plan

2. The Subcommittee will focus its work on the following major issues –
- (a) roles of public funding and health insurance in financing healthcare services and their pros and cons;
 - (b) healthcare manpower planning and supply for the sustainable development of the healthcare system as a whole;
 - (c) supervisory framework for health insurance and healthcare service markets under HPS including the legislative and institutional setup for HPS;
 - (d) healthcare service development including the infrastructure in support of private health insurance and healthcare services; and
 - (e) utilization of government subsidy.

Time frame

3. The Subcommittee will complete its work before the end of the current term and report to the Panel on Health Services.

**Existing and anticipated Bills Committees
(position as at 19 October 2011)**

Bills Committees in action	Expected timing for completion of work
1. Bills Committee on Road Traffic (Amendment) Bill 2011	November/December 2011
2. Bills Committee on Pyramid Schemes Prohibition Bill	November/December 2011
3. Bills Committee on Inland Revenue (Amendment) (No. 2) Bill 2011	4 th quarter of 2011
4. Bills Committee on Legal Practitioners (Amendment) Bill 2010	End of 2011
5. Bills Committee on Enduring Powers of Attorney (Amendment) Bill 2011	Around January 2012
6. Bills Committee on Guardianship of Minors (Amendment) Bill 2011	Tentatively January 2012
7. Bills Committee on Lifts and Escalators Bill	February/March 2012
8. Bills Committee on Copyright (Amendment) Bill 2011	End of April 2012
9. Bills Committee on Securities and Futures (Amendment) Bill 2011	April/May 2012
10. Bills Committee on Adaptation of Laws (Military References) Bill 2010	Latter part of the 2011-2012 session
11. Bills Committee on Legislative Council (Amendment) Bill 2011	---
12. Bills Committee on Competition Bill	End of the current term
13. Bills Committee on Companies Bill	End of the current term
14. Immigration (Amendment) Bill 2011	First meeting to be held on 24 October 2011
15. Protection of Wages on Insolvency (Amendment) Bill 2011	First meeting to be held on 25 October 2011
16. Personal Data (Privacy)(Amendment) Bill 2011	First meeting to be held on 8 November 2011

Bills Committees on the waiting list
17. Road Traffic (Amendment) (No. 2) Bill 2011
18. The Hong Kong Polytechnic University (Amendment) Bill 2011 (<i>a Member's Bill</i>)

Bills Committees likely to be formed on the following Bills	Expected timing for formation
19. Fisheries Protection (Amendment) Bill	The Bill will be introduced at the Council meeting of 2 November 2011
20. Trade Descriptions (Unfair Trade Practices) (Amendment) Bill	1 st half of 2011-2012 session
21. Buildings (Amendment) Bill	1 st half of 2011-2012 session
22. Mediation Bill	1 st half of 2011-2012 session
23. Mandatory Provident Fund Scheme (Amendment) (No. 2) Bill	1 st half of 2011-2012 session
24. Banking (Amendment) Bill	1 st half of 2011-2012 session
25. General Holidays and Employment Legislation (Substitution of Holidays) (Amendment) Bill	1 st half of 2011-2012 session
26. Regulation of Sale of First-hand Residential Properties Bill	2nd half of 2011-2012 session

**Existing and anticipated subcommittees on subsidiary legislation/other instruments
(position as at 19 October 2011)**

Subcommittees on subsidiary legislation in action	Expected timing for completion of work
1. Subcommittee on Residential Care Homes (Persons with Disabilities) Regulation and Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2011	Verbal report to the House Committee at its meeting on 21 October 2011
2. Subcommittee on Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2011	Verbal report to the House Committee at its meeting on 21 October 2011
3. Subcommittee on Mandatory Provident Fund Schemes Ordinance (Amendment of Schedule 3) Notice 2011	---
Subcommittee(s) likely to be formed on the following subsidiary legislation	Estimated timing for formation
4. Subsidiary legislation to revise the criminal legal aid fees system	4 th quarter of 2011
5. Subsidiary legislation to extend the import control regime for meat and poultry to cover poultry eggs	Before end of 2011
6. Subsidiary legislation to regulate pesticide residues in food	Before end of 2011

**Subcommittees on policy issues in action
and on the waiting list
(position as at 19 October 2011)**

Subcommittees on policy issues in action*	Expected timing for completion of work
1. Subcommittee on Registration of Proprietary Chinese Medicines under the Panel on Health Services	December 2011/ January 2012
2. Subcommittee on Improving Barrier Free Access and Facilities for Persons with Disabilities under the Panel on Welfare Services	Second quarter of 2012
3. Subcommittee on Retirement Protection under the Panel on Welfare Services	Second quarter of 2012
4. Subcommittee to Study Issues Relating to Mainland-HKSAR Families under the House Committee	End of the current term
5. Subcommittee on Improving Air Quality under the Panel on Environmental Affairs	End of the current term
6. Subcommittee on Building Safety and Related Issues under the Panel on Development	End of the current term
7. Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project under the Panel on Home Affairs and the Panel on Development	End of the current term
8. Subcommittee on Matters Relating to Railways under the Panel on Transport	End of the current term
9. Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products under the House Committee	End of the current term
10. Joint Subcommittee on Issues relating to Insurance Coverage for the Transport Sector under the Panel on Financial Affairs and Panel on Transport	End of the current term

* The list has not included the Subcommittee on Harbourfront Planning under the Panel on Development which will complete its work after reporting to the House Committee on its overseas duty visit on 21 October 2011.

Subcommittee on policy issues on the waiting list	Expected timing for activation
Subcommittee on Health Protection Scheme under the Panel on Health Services	Upon the completion of work of any subcommittee on policy issues

Council Business Division 2
Legislative Council Secretariat
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